



CrI.O.P.(MD) No.14339 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.01.2024

CORAM:

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

CrI.O.P.(MD) No.14339 of 2021

Saravanan

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Deputy Superintendent of Police,
Musiri,
Trichy District.

3.The Inspector of Police,
Musiri Police Station,
Musiri,
Trichy District.
(Crime No.1680 of 2020)

4.Karthikeyan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent to withdraw the case in Crime No.1680 of 2020 on the file of the third respondent and transfer the same to any other competent investigating officer.



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For Petitioner : Mr.K.Arunraj
For R-1, R-2 : Mr.R.M.Anbunithi
and R-3 Additional Public Prosecutor

ORDER

The case of the petitioner/defacto complainant is that he purchased a Hundai Verna car in his wife's name during 2019 and due to his family circumstances, he decided to sell the car and one Karthikeyan (4threspondent/accused) approached him to buy the car for a sum of Rs.13,50,000/-. The said Karthikeyan also paid a sum of Rs.90,000/- towards advance and took the car of the defacto complainant and promised him to pay the balance amount within a short period. However, according to the petitioner/defacto complainant, the accused/4th respondent did not pay the balance amount or return the car. When the petitioner enquired about the same, the fourth respondent abused him in filthy language and also threatened him with dire consequences and therefore, the petitioner/defacto complainant lodged a complaint with the Inspector of Police, Musiri Police Station who registered FIR in Crime No.1680 of 2022 for the offences punishable under Sections 294(b), 506(2), 409 and 420 IPC against the present petitioner and others.



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2. Mr.K.Arunraj, the learned counsel for the petitioner contended that though FIR was registered in the year 2020, there is no progress in the investigation and that this Court should direct the Inspector of Police, Musiri Police Station, Trichy District to complete the investigation within a specified period. In fact, in this petition, the petitioner had sought for a prayer to withdraw the case in Crime No.1680 of 2020 from the file of the Inspector of Police, Musiri Police Station to any other competent investigating officer for the purpose of conducting investigation.

3. Per contra, the learned Additional Public Prosecutor contended that all the accused persons has been granted anticipatory bail in CMP.No.4414 of 2020 by District Judge, Trichy on 21.12.2020 and that the Police is under the process of recovering the car from the accused. He further contended that the name transfer has already been effected before the Regional Transport Office in favour of one Krishnakumar, a resident of Karur and that the entire car is in a dismantled condition. He further submitted that the respondent Police is investigating this case and a final report would be filed at the earliest.

4. It is pertinent to point out that the petitioner's grievance is that though the accused promised to pay the balance sale consideration within a short



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period, he did not pay the amount and also did not return the vehicle back to him. It is not known as to why the present petitioner did not approach the civil Court to get the money back from the accused. However, the allegations in the FIR show that the accused had abused the present complainant in filthy language and also threatened him with dire consequences when the defacto complainant demanded the petitioner / accused to pay the money back to him. The contention of the learned Additional Public Prosecutor is that the present petitioner had in fact effected name transfer in favour of one Krishnakumar and therefore, at this stage, he cannot said to be the owner of the car. In the circumstances, it is for the Police to file appropriate Final Report/Referred Charge Sheet, before the concerned Court, within a period of two (2) months from the date of receipt of a copy of this order.

5. With the above observations, this Criminal Original Petition is disposed of.

09.01.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To

- 1.The Superintendent of Police,
Trichy District,
Trichy.
- 2.The Deputy Superintendent of Police,
Musiri,
Trichy District.
- 3.The Inspector of Police,
Musiri Police Station,
Musiri,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA, J.

Nsr

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